

REMARKS

Claims 4-10 are pending in the application. The Examiner has rejected Claims 4-10 under 35 U.S.C. §103(a) as being unpatentable over Nonami (U.S. Patent 6,647,258) in view of Moran (U.S. Patent App. Pub. 2002/0073142).

Regarding independent Claims 4 and 8, the Examiner states that the claims are obvious over Nonami in view of Moran. Nonami discloses a portable radio communication apparatus; and, Moran discloses a messaging system and method, which requires a user to first determine if a feature key is pressed and then enter a directory number.

Initially, it is respectfully submitted that the Examiner has yet to officially reject the new amendments to the claims. Claim 4 was amended to recite “if the call connection between the mobile terminal and the counterpart mobile terminal is not established, pressing a one-touch call button of the mobile terminal that transmits, using information entered during the attempt to establish the call connection, a predetermined message to the counterpart mobile terminal”, and Claim 8 was amended to recite “if the call connection between the mobile terminal and the counterpart mobile terminal is not established, pressing a one-touch call button of the mobile terminal; and transmitting, using information entered during the attempt to establish the call connection, a phone number of the mobile terminal and a predetermined message to the counterpart mobile terminal.” Although attended to in the Response to Arguments section, neither of these two amendments have been formally rejected. It is respectfully requested that the Examiner provide, if required, a formal rejection in a **non-Final** Office Action.

Nonami needs to establish a connection with the SMS service to send a short message. It can be presumed that for the short message to be received by the SMS, the connection would indeed need to actually be established, otherwise, the short message could not be received by the SMS. The Examiner agrees that at least an attempt to establish a call is performed by Nonami, as set forth in the Response to Arguments section of the Office Action on page 3, “the formed message is then transmitted from the antenna.” Nonami does not teach or disclose if a call connection is not established, and of course Nonami would not teach or disclose operations that

occur if a call connection is not established since Nonami deals with forming messages that are sent and received in a SMS.

Moran must also establish a call in order to send its prerecorded message. In Moran, the call must be established with the messaging server in order to provide its services. Moran does not teach or disclose if a call connection is not established.

Therefore, in the combination of Nonami and Moran, there is never a situation where a call is not established. Therefore, any rejection of operations subsequent to and based on the condition that “if the call connection between the mobile terminal and the counterpart mobile terminal is not established”, namely using information entered during the attempt to establish the call connection to transmit a predetermined message, cannot be sustained.

Further, even if it were able to be sustained, which it is not, there are at least three distinct steps of Claim 4 and 8, along with their conditions precedent, that are not taught or disclosed by the combination of Nonami and Moran. Claims 4 and 8 recite, at least:

- (1) attempting to establish a call connection with a counterpart mobile terminal using the mobile terminal;
- (2) pressing a one-touch call button of the mobile terminal; and
- (3) transmitting a predetermined message (Claim 4) or a phone number (Claim 8) to the counterpart mobile terminal.

The transmission process is conducted if the call connection between the mobile terminal and the counterpart mobile terminal is **not** established. The transmission process uses information entered during the attempt to establish the call connection. These distinct steps and conditions in their recited order are not and cannot be disclosed by either Nonami or Moran, or any combination thereof.

In Nonami, when SEND-key is pressed, a particular message is transmitted regardless of call connection status. In the claims of the present application, when a call connection fails, a

one-touch call button can be pressed in order to call the party. When the call connection is established, there is no need to send the party a call operation message to call.

Independent Claims 4 and 8 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 5-7, 9 and 10, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 5-7, 9 and 10 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 4-10, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over a horizontal line.

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